

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TOMMY J. McCLANAHAN,)	
)	
Plaintiff,)	
)	
v.)	No. 3:04-CV-350
)	(VARLAN/SHIRLEY)
JO ANNE BARNHART, Commissioner)	
of Social Security,)	
)	
Defendant.)	

ORDER

This social security appeal is before the Court for consideration of Plaintiff's Objections to Magistrate's Report and Recommendation [Doc. 13]. For the reasons set forth in the memorandum opinion entered contemporaneously herewith, Magistrate Judge Shirley did not err in failing to mention Dr. Miller's Janaury 2001 evaluation, and the ALJ did not err in failing to apply SSR 83-20. Therefore, plaintiff's objection to Magistrate Judge C. Clifford Shirley, Jr.'s report and recommendation is hereby **OVERRULED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 12]. Accordingly, plaintiff's Motion for Summary Judgment [Doc. 8] is **DENIED**, and defendant's Motion for Summary Judgment [Doc. 10] is **GRANTED**. The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE